Court No.1

Civil Misc.Writ Petition No. 4083 of 1996
(No. 267 of 2001).

Raj Kumar ……Petitioner

Versus

Board of Revenue, U.P.,
Allahabad & five others.…….……Respondents.

Hon. P.C. Verma, J.

This writ petition has been filed by the petitioner challenging the order dated 31.10.1995 passed by Board of Revenue in Revision No. 83 of 1992-93 against the order passed by the Additional Commissioner (Judicial), Kumaon Division, Nainital dated 21.4.1993 in Appeal No. 15918 of 1992-93. The Additional Commissioner allowed the appeal of the State Government, which was filed against the order of the Assistant Collector rejecting the application for setting aside the order passed by him in exparte proceedings. The delay has also been condoned by the Additional Commissioner. The Additional Commissioner has considered the reasons given in the application for condonation of delay and found it a fit case to condone the delay and set aside the order passed against the State Government. The Board of Revenue, after considering the entire material on record, found the judgment of Additional Commissioner to be correct and, therefore, affirmed the judgment of Additional Commissioner by a reasoned order holding that the reasons given by the Additional Commissioner were cogent.

Since the Board of Revenue as well as both the trial courts given cogent reasons for condoning the delay and for setting aside the exparte order passed by the Assistant Collector concerned against the Bhoodan Yaga Samiti and the findings recorded by the court below have not been shown to be perverse, therefore no interference is required under Article 226/227 of the Constitution of India in the said order.

The writ petition is dismissed. No order as to costs.

(P.C. Verma, J.)

24.7.2001
P. Singh